UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,145	10/17/2001	Nick Nassiri		7545

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7590	10/21/2005		NASH, LASHANYA RENEE

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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/982,145	NASSIRI, NICK
	Examiner	Art Unit	
	LaShanya R. Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>01 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is in response to an Amendment filed August 12005. Claims 1-45 are
presented for further consideration.

Response to Arguments

Claim objections, see Remarks/Arguments, with respect to claims 1-45 are
withdrawn.

Claim rejections, see Remarks/Arguments, with respect to claims
1,7,12,15,21,29,37-38, and 43 under 35 USC 112, second paragraph are withdrawn.

Applicant's arguments with respect to claims 1-45 have been fully considered but
are not persuasive.

In considering the Applicant's arguments the following factual remarks are noted:

(I)   Applicant contends that Examiner's argument have been rendered moot with
respect to the Sykes application.

(II)   Applicant contends that the Gabber reference fails to disclose a method wherein
the client remains anonymous.

In considering (I), Applicant contends that Examiner's argument have been
rendered moot with respect to the Sykes application. Per the phone discussion dated

July 25-26, Examiner discussed that if the claim rejections of <u>instant application</u> were based on the <u>disclosure of Sykes</u>, as opposed to the claims of Sykes, then the claim rejections of <u>instant application</u> would be valid and stand as the prosecution of the aforementioned <u>Sykes claims</u> does not specifically <u>change the content of the associated disclosure</u>. However, this was not clearly understood by Applicant's representative. Nonetheless, despite the extensive explanation of Applicant's proposed arguments, Applicant's arguments based on the <u>claims currently pending in the Sykes reference</u> are considered irrelevant to claim rejections made on instant application. As a result, Examiner maintains that rejections of claims, as set forth below in the Office Action.

In considering (II), Applicant contends that the Gabber reference fails to disclose a method wherein the client remains anonymous. However, Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the client remain anonymous but the email address that sends the email message to the intended recipient is disclosed identity that remains constant and verifiable) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181; 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner maintains that the reference, Gabber, discloses an anonymous client that is consistent with the anonymous client limitations as recited in the claim language of instant application. As a result, Examiner maintains that rejections of claims, as set forth below in the Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which the subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12, and 14-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sykes, Jr. (US Patent Application Publication 2002/0129108), in

view of Gabber et al. (US Patent 6,591,291), hereinafter referred to as Sykes and

Gabber respectively.

In reference to claim 1, Sykes discloses a method and system for archiving,

registering, and verifying electronic communications transmitted between clients and

recipients via a network (i.e. Internet), (abstract and paragraph [0004], lines 1-13).

Specifically, Sykes discloses the third party archiving and verification system to

comprise:

• The method for registering and certifying an electronic message, the system and

method further comprising a client, an intended recipient, a website (i.e. third party

archiving and verification website, Figures 4-22), a processing unit (i.e. third party

archiving and verification server), an email database, a means (i.e. third party

archiving and verification provider) to register the electronic message, the system

and method, (abstract; paragraph [0004], lines 1-13; and paragraph [0038], line 1 to

paragraph [0040], line 17), comprising the steps of:

- The client accessing the website and establishing a registration account; the

  processing unit assigning a code (i.e. account ID) to the registration account of

  the client, (paragraph [0048], line 1 to paragraph [0049], line 16 and Figure 4);

  and

- The processing unit receiving the electronic message, the electronic message

  being from the client; the processing unit storing information about the electronic

  message and the registration account in the email database; the processing unit

  resending the electronic message to the intended recipient as identified by the

  client in the registration account; the processing unit tracking the date the

  electronic message was sent by the processing unit; the processing unit tracking

  the date the electronic message was received by the intended recipient; the

  processing unit creating a confirmation record (i.e. message table entry) that

  comprises the date the electronic message was sent and the date the electronic

  message was received by the intended recipient; the processing unit sending the

  client a copy of the confirmation record (Figure 26); and the processing unit

  storing information about the confirmation record and the registration account in

  the email database, (paragraph [0038], line 1 to [0047], line 12; paragraph

  [0059], line 1 to paragraph [0061], line 8; and paragraph [0065], lines 9-13).

Although Sykes discloses substantial features of the claimed invention, the

reference fails to explicitly disclose the method comprising a local computing system,

and the client using the local computing system to access a website. Nonetheless, these features would have been obvious modifications to the aforementioned method, as disclosed by Sykes, for one of ordinary skill in the art at the time of the invention, as further evidenced by Gabber.

In an analogous art, Gabber discloses a method for transmitting electronic messages between a client and a recipient via a computer network (i.e. Internet), (column 2, line 52 to column 3, line 2). Gabber further discloses the method involves employing a local computing system (Figure 1-item 105a), and the client using the local computing system to access a website (column 4, line 20 to column 5, line 7). These modifications to the aforementioned method, as disclosed by Sykes, would have been obvious to one of ordinary skill in the art because one would have been so motivated to facilitate electronic communication through "efficient, reliable, and cost-effective computers and networking tools", (Gabber column 1, lines 29-44).

In reference to claim 15, Sykes discloses a method and system for archiving, registering, and verifying electronic communications transmitted between clients and recipients via a network (i.e. Internet), (abstract and paragraph [0004], lines 1-13). Specifically, Sykes discloses the third party archiving and verification provider system to comprise:

- A system and method for registering and certifying an electronic message, the system and method further comprising a client, an intended recipient, a local computer system, a website (i.e. third party archiving and verification website,

Figures 4-22), a processing unit (i.e. third party archiving and verification server), an

email database, the means (i.e. third party archiving and verification server) to

register the electronic message, (abstract; paragraph [0004], lines 1-13; and

paragraph [0038], line to paragraph [0040], line 17), the system and method

comprising the steps of:

- The client accessing the website and establishing a registration account; the

   processing unit assigning a code (i.e. account ID) to the registration account

   of the client, (paragraph [0048], line 1 to paragraph [0049], line 16 and Figure

   4); and

- The processing unit receiving the electronic message, the electronic

   message being from the client; the processing unit storing information about

   the electronic message and the registration account in the email database;

   the processing unit resending the electronic message to the intended

   recipient as identified by the client in the registration account; the processing

   unit tracking the date the electronic message was sent by the processing unit;

   the processing unit tracking the date the electronic message was received by

   the intended recipient; the processing unit creating a confirmation record (i.e.

   message table entry) that comprises the date the electronic message was

   sent to the intended recipient, and the date the electronic message was

   received by the intended recipient; the processing unit sending the client a

   copy of the confirmation record (Figure 26); and the processing unit storing

   information about the confirmation record and the registration account in the

email database, (paragraph [0038], line 1 to [0047], line 12; paragraph [0059],

line 1 to paragraph [0061], line 8; and paragraph [0065], lines 9-13).

Although Sykes discloses substantial features of the claimed invention,

the reference fails to explicitly disclose the method comprising: an anonymous client, a

local computing system, the anonymous client using the local computing system to

access a website; the processing unit notifying the intended recipient that the electronic

message has been sent on behalf of the anonymous client; the intended recipient

choosing to post a reply for the anonymous client, and the confirmation record

comprising the reply posted for the anonymous client. Nonetheless, these features

would have been obvious modifications to the aforementioned method, as disclosed by

Sykes, for one of ordinary skill in the art at the time of the invention, as further

evidenced by Gabber.

In an analogous art, Gabber discloses a method for transmitting electronic

messages between an anonymous client and a recipient via a computer network (i.e.

Internet), (abstract and column 2, line 52 to column 3, line 2). Gabber further discloses

the method involves employing a local computing system (Figure 1-item 105a), and the

client using the local computing system to access a website (column 4, line 20 to

column 5, line 7). Gabber also discloses a processing unit (i.e. Figure 2), (column 5,line

25-36), notifying (i.e. substituted real source address with alias address consisting of a

printable string of characters) the intended recipient that the electronic message has

been sent on behalf of the anonymous client, (column 6, line 41 to column 7, line 6);

and the intended recipient choosing to post a reply for the anonymous client, (column 8,

lines 27-50). These modifications to the aforementioned method, as disclosed by Sykes,
would have been obvious to one of ordinary skill in the art because one would have
been so motivated to facilitate "bi-directional e-mail communication over a network
without compromising the sender's identify", and thereby increasing user privacy,
(Gabber column 2, lines 1-5).

In reference to claim 29, Sykes discloses a method and system for verifying the
identity of an intended recipient of an electronic message, in order to facilitate secure
communication between clients and recipients via a network (i.e. Internet), (abstract and
paragraph [0005], lines 1-22). Specifically, Sykes discloses the third party archiving and
verification provider system to comprise:

- A system and method for registering and certifying an electronic message, the
  system and method further comprising a client, an intended recipient, a website (i.e.
  third party archiving and verification website, Figures 4-22), a processing unit (i.e.
  third party archiving and verification server), an email database, a means (i.e. third
  party archiving and verification server) to register the electronic message, the
  system and method, (abstract; paragraph [0004], lines 1-13; and paragraph [0038],
  line to paragraph [0040], line 17), comprising the steps of:
  - The client accessing the website and establishing a registration account; the
    processing unit assigning a code (i.e. account ID) to the registration account of
    the client, (paragraph [0048], line 1 to paragraph [0049], line 16 and Figure 4);

- The processing unit receiving the electronic message, the electronic message being from the client; the processing unit storing information about the electronic message and the registration account in the email database; the processing unit resending the electronic message to the intended recipient as identified by the client in the registration account; the processing unit tracking the date the electronic message was sent by the processing unit; the processing unit tracking the date the electronic message was received by the intended recipient; the processing unit creating a confirmation record (i.e. message table entry) that comprises the date the electronic message was sent and the date the electronic message was received by the intended recipient; the processing unit sending the client a copy of the confirmation record (Figure 26); and the processing unit storing information about the confirmation record and the registration account in the email database, (paragraph [0038], line 1 to [0047], line 12; paragraph [0059], line 1 to paragraph [0061], line 8; and paragraph [0065], lines 9-13); and

- The processing unit notifying the intended recipient that the processing unit is holding the electronic message pending verification of the identity of the intended recipient; obtaining verification information of the identity of the intended recipient, (paragraph [0005], lines 1-22; and paragraph [0063], lines 1-30).

  Although Sykes discloses substantial features of the claimed invention, the reference fails to explicitly disclose the method comprising a local computing system, and the client using the local computing system to access a website. Nonetheless, these features would have been obvious modifications to the aforementioned system,

as disclosed by Sykes, for one of ordinary skill in the art at the time of the invention, as

further evidenced by Gabber.

In an analogous art, Gabber discloses a method for transmitting electronic

messages between a client and a recipient via a computer network (i.e. Internet),

(column 2, line 52 to column 3, line 2). Gabber further discloses the method involves

employing a local computing system (Figure 1-item 105a), and the client using the local

computing system to access a website (column 4, line 20 to column 5, line 7). These

modification to the aforementioned method, as disclosed by Sykes, would have been

obvious to one of ordinary skill in the art because one would have been so motivated to

facilitate electronic communication through "efficient, reliable, and cost-effective

computers and networking tools", (Gabber column 1, lines 29-44).

In reference to claims 2, 16, and 30 Sykes and Gabber show the method wherein

the local computer system may be a remote fixed device (i.e. wired connectivity) or a

remote portable device (i.e. wireless connectivity); whereby either the remote fixed

device or the remote portable device access the website using the Internet or other

Transmission Control Protocol/Internet Protocol based network connectivity, (Gabber

column 4, line 20 to column 5, line 7).

In reference to claims 3, 17, and 31 Sykes and Gabber show the method wherein

the processing unit further comprises the email database; the email database further

comprising an information storage system; the information storage system further

comprising the means to store data, (i.e. SQL database); the data further comprising the

registration account data, the electronic message data, the sent date data, the received

date data, and the confirmation record data, (Sykes paragraph [0038], line 1 to

paragraph [0040], line 17; paragraph [0043], lines 1-9; and paragraph [0047], lines 1-

12).

In reference to claims 4,18, and 32 Sykes and Gabber show the method wherein

the registration account data further comprises the client's name, the client's email

address, the intended recipient's name, the intended recipient's email address, and the

email delivery services requested by the client, (Sykes paragraph [0048], line 1 to

paragraph [0049], line 16 and paragraph [0042], lines 1-13).

In reference to claims 5,19, and 33 Sykes and Gabber show the method whereby

the email delivery services comprise the processing unit sending the electronic

message from the client in the form of a registered email, or a certified email, or a return

receipt email, or an email submission confirmation or an email delivery confirmation,

(Sykes paragraph [0057], lines 1-28).

In reference to claims 6,20, and 34 Sykes and Gabber show the method whereby

the registered email, the certified email, the confirmation record email, the email sent

confirmation, and the email received confirmation are further comprised of the

registration account data and the electronic message, (Sykes paragraph [0057], lines 1-28).

In reference to claims 7,21, and 38 Sykes and Gabber show the method the electronic message further comprises at least one of the electronic data, including text data, audio data, visual data, video data, electronic data, and electronic attachments, (Sykes Figure 2a).

In reference to claims 8 and 22, Sykes and Gabber show the method whereby the website further comprises the means for the client to select the delivery services and to submit the electronic message in conjunction with the delivery services to the processing unit from the local computer system, (Sykes paragraph [0049], lines 1-16; paragraph [0057], lines 1-28; Figure 7; Figure 20-21).

In reference to claims 9,23, and 40 Sykes and Gabber show the method whereby the processing unit further comprises the means (i.e. Message Transfer Agent) to receive the electronic message from the local computer system and to send the electronic message to the intended recipient in accordance with the delivery services selected by the client in the registration account, (Sykes paragraph [0040], line 1 to paragraph [0046], line 4).

In reference to claims 10,24, and 41 Sykes and Gabber show the method whereby the processing unit further comprises the means to determine when the electronic message has been sent to the intended recipient and when the intended recipient has received the electronic message, (Sykes paragraph [0040], lines 1-17; paragraph [0043], lines 1 -9; paragraph [0065], lines 11-13).

In reference to claims 11,26, and 42 Sykes and Gabber show the method whereby the processing unit further comprises the means to notify the client of when the electronic message was sent to the intended recipient and when the electronic message was received by the intended recipient, (Sykes paragraph [0043], line 1 to paragraph [0044], line 17; paragraph [0065], line 11-13).

In reference to claims 12, 27, and 43 Sykes and Gabber show the method The system of claim 11 whereby the processing unit compiles the submission and delivery confirmation data, and the reply posted by the intended recipient into the confirmation record; the confirmation record further comprising the registration account data, (Sykes paragraph [0043], line1 to paragraph [0044], line 17; Figure 26).

In reference to claims 14 and 45 Sykes and Gabber show the method whereby the processing unit further comprises the means whereby a copy of the electronic message is archived and stored for future use and retrieval, (Sykes paragraph [0004],

lines 8-13; paragraph [0044], lines 1-17; paragraph [0047], lines 1-12; paragraph [0050],

lines 1-26).

In reference to claim 25, Sykes and Gabber show the method whereby the

processing unit further comprises the means for the intended recipient to post the reply

for the anonymous client, (Gabber column 8, lines 19-50).

In reference to claim 35, Sykes and Gabber show the method of whereby the

processing unit further comprises the means (i.e. Third Party Archiving and Verification

Provider) to notify the intended recipient that the processing unit is holding the

electronic message pending confirmation of the verification information, (Sykes

paragraph [0005], lines 1-22).

In reference to claim 36, Sykes and Gabber show method of claim 29 whereby

the processing unit further comprises the means (i.e. Third Party Archiving and

Verification Provider) to notify the intended recipient what the verification information

comprises (I.e. registration account information), and the means (i.e. account set up

web page) for the intended recipient to submit the verification information to the

processing unit, (Sykes paragraph [0048], lines 1-25; paragraph [0063], lines 1-30;

Figure 4).

In reference to claim 39, Sykes and Gabber show the method whereby the

website further comprises the means for the client to select the identity verification

services and to submit the electronic message in conjunction with the verification

services and in conjunction with the delivery services to the processing unit from the

local computer system, (Sykes paragraph [0063], lines 1-8; Figure 21).

Claims 13,28, and 44 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sykes in view of Gabber, as applied to claims 1,15, and 29

above, and further in view of Montville et al. (US Patent 6,356,937), hereinafter

referred to as Montville.

In reference to claims 13, 28, and 44 although Sykes and Gabber show

substantial features of the claimed invention the references fail to show the method

whereby the confirmation record is in the form of a digital certificate that is emailed to

the client. Nonetheless, digital certificates were well known in the art at the time of the

invention, as further evidenced by Montville. Therefore this modification to the method,

as disclosed by Sykes and Gabber, would have been obvious to one of ordinary skill in

the art the time of the invention.

In an analogous art, Montville discloses a network-based electronic messaging

system that employs digital certificates in order to provide security services within the

system, (abstract, column 3, line 55 to column 4, line 14). This modification would have

been obvious because one of ordinary skill in the art would have been motivated to

implement this modification to the aforementioned method, as disclosed Sykes and

Gabber, so as to ensure that the "web-based form of messaging service is made secure

against interception of messages", (Montville column 3, lines 56-58).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Sykes in view of Gabber, as applied to claim 29 above, and further in view of

Smith et al. (US Patent 6,725,381), hereinafter referred to as Smith.

In reference to claim 39, although Sykes and Gabber show substantial

features of the claimed invention the references fail to show the method whereby the

verification information further comprises a digital certificate, biometric information

including one of the group of a such as a thumbprint, voiceprint, retinal scan, a

graphical, hand written signature, or personal identity papers such as a drivers license,

a passport, and the like. Nonetheless, this modification to the method, as disclosed by

Sykes and Gabber, would have been obvious to one of ordinary skill in the art at the

time of the invention, as further evidenced by Smith.

In an analogous art, Smith discloses a web-based messaging system in which

the identity of an electronic message recipient is verified prior to delivering the message

to a recipient, (abstract; column 2, lines 50-62). Smith further discloses the verification

information requested from the user comprises personal identity papers, (i.e. social

security number). This modification to the method as disclosed by Sykes and Gabber,

would have been obvious because one of ordinary skill in the art would have been

motivated to, "provide significantly increased assurance that the recipient of a delivered

document is in fact the party intended by the sender", (Smith column 3, lines 33-36).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date of this action. In the

event a first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date

the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the mailing date of this
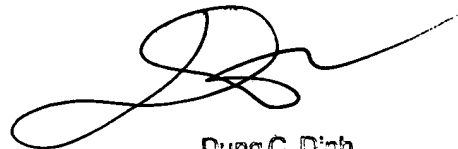
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShanya R Nash whose telephone number is (571)

272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit 2153
October 13, 2005

Dung C. Dinh
Primary Examiner